

tmd3574/nk
THIS ORDER RELATES TO A
HEARING HELD ON
MAY 2, 2019

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
IN RE:

TYRON DAVIS,
dba TYRON DAVIS DBA TYRON DAVIS

Debtor.

Chapter 13
Case No. 818-77569-AST

ORDER DISMISSING CASE

UPON the March 18, 2019 written application of Marianne DeRosa, Chapter 13 Trustee, (the "Trustee") seeking entry of an Order dismissing the instant Chapter 13 case pursuant to 11 U.S.C. §1307(c) and due notice of the aforesaid application having been given to all necessary parties; and

WHEREAS, on May 2, 2019, the Trustee appeared in support thereof, the Debtor appeared in opposition, and Ashish Malhotra, Esq. appeared on behalf of a secured creditor; and

WHEREAS, Debtor did not file written opposition to the Trustee's Motion to Dismiss as required by E.D.N.Y. LBR 9013-1(b); and

WHEREAS, the Debtor failed to file a certificate from an approved nonprofit budget and credit counseling agency as required by 11 U.S.C. §521(b)(1); and

WHEREAS, the Debtor failed to commence making Chapter 13 plan payments to the Trustee, as required by 11 U.S.C. §1326(a)(1); and

WHEREAS, the Debtor failed to comply with the disclosure requirements of E.D.N.Y. LBR 2003-1; and

WHEREAS, the Debtor failed to serve the plan on the trustee and all creditors within 7 days of filing the plan, and to file proof of service thereof as required by E.D.N.Y. LBR 3015-1(a); and

WHEREAS, each of the foregoing constitutes cause for dismissal of a Chapter 13 case; and

WHEREAS, based upon the findings of fact and conclusions of law as stated on the record, cause exists to dismiss this case pursuant to 11 U.S.C. §1307(c); it is accordingly

ORDERED, that the instant Chapter 13 case be dismissed pursuant to 11 U.S.C. §1307(c) of the Bankruptcy Code.

Dated: June 19, 2019
Central Islip, New York




Alan S. Trust
United States Bankruptcy Judge